



March 4, 2005

Susan Walsh
San Jose Planning Staff
Fax (408) 277-3250

Dear Susan:

We are responding to your request for comments on the CSVP EIR/Alternatives approach, due March 4, 2005. We are very pleased that San Jose is developing a list of alternatives prior to the official scoping process for the EIR. This is a critical step in offering a more inclusive and constructive approach to ensuring that the EIR will consider the full range of reasonable alternatives that can meet both political and environmental criteria. These comments focus on the alternatives, and we will provide general EIR comments as the process moves forward.

Not only does CEQA require the City to consider the full range of reasonable alternatives, it also establishes the public expectation that a true set of choices is provided, not one that locks decision-makers into a single entity's preferred alternative. We have seen many poorly designed EIRs and offer the following advice to help San Jose ensure that they avoid making these mistakes.

Politically-unrealistic EIRs are ones that contrast the preferred alternative with options that have no chance of being chosen. In this case, one option will be created that is so grossly out of scale with the project concept that the preferred alternative looks good by comparison. Another option will be so small that it will not accomplish the project objectives, also making the preferred alternative appear reasonable. A third option could be provided that so thoroughly skews the project concept that it will be seen as clearly unacceptable.

Minor variations only EIRs typically propose a preferred alternative and two other alternatives that differ only somewhat from the preferred alternative, with one being slightly more developed and the other being slightly less developed.

We fully expect the alternatives to be presented in the Coyote Valley EIR will offer a range from a maximally environmentally friendly approach to one that would be viewed with less enthusiasm by the environmental community. Given the reduced pressure for development that the city and county are currently experiencing it is an opportune time for a more thorough and reasoned approach to planning for Coyote Valley.

We offer the following two additional alternative concepts for your consideration:

Central San Jose/North First Street development instead of Coyote Valley: there are two variations on this option. First, the City could consider proposals that are currently under discussion to provide additional jobs and housing in Downtown San Jose and North First Street as a substitute for the proposal to put over 50,000 jobs and 25,000 homes in Coyote Valley. City staff has said that in thirty years or more there will be a need for office space that exceeds the proposals discussed for Central San Jose (including North First Street). We do not believe the City needs more than ten years to plan future development, so whatever need the City currently speculates it will develop in 20 to 40 years does not justify eliminating the option now of preserving Coyote Valley as a rural area. The City should keep its option open of preserving Coyote Valley until it knows that option no longer makes sense, rather than rushing now to embrace unneeded sprawl.

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If for some reason the City believes it cannot use the existing proposals for Central San Jose as an alternative to Coyote Valley, it could consider as a variation of this alternative that the 50,000 jobs and 25,000 homes be added to Central San Jose in addition to the currently proposed development. The level of development the City suggested would accompany BART's extension to downtown San Jose would likely have been far greater than adding Coyote-Valley level of development to current proposals, so this would not constitute an unreasonable proposal.

The City could consider either using existing proposals or new proposals in Central San Jose as alternatives to Coyote Valley, and it could also consider both in the EIR as separately-considered alternatives.

Delayed-start Coyote Valley: this option would anticipate eventual build-out of Coyote Valley, but acknowledge that Central San Jose should take priority.¹ This would involve changing the "triggers" in the General Plan either by adding a fixed date before the Specific Plan, annexation, and residential construction would come into effect, or by adding new triggers to the existing ones, with the new triggers requiring substantial levels of additional development occur first in Central San Jose.

In addition to the above alternatives, we continue to support consideration of an alternative based on Greenbelt Alliance's *Getting It Right* proposal. Failing to include these reasonable alternatives would substantially impair planning for Coyote Valley and could result in an EIR that violates CEQA by failing to provide a reasonable range of alternatives. We urge the City to include them. Please contact us if you have any questions



Brian A. Schmidt
Legislative Advocate, Santa Clara County



Brenda Torres-Barreto
Executive Director
Santa Clara Valley Audubon Society



Melissa Hippard,
Director
Sierra Club Loma Prieta Chapter

¹ Our support for considering this alternative does not change our basic position that Coyote Valley should not be developed.